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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,762	03/15/2004	Tetsuro Uchida	MM4712	3443
1109 7590 04/01/2008 ANDERSON, KILL & OLICK, P.C. 1251 AVENUE OF THE AMERICAS NEW YORK, NY 10020-1182				
EXAMINER NGUYEN, BINH AN DUC				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
04/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,762

Applicant(s)

UCHIDA ET AL.

Examiner

Binh-An D. Nguyen

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/88)
- Paper No(s)/Mail Date 3/15/04:10/804:3/27/07
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Response to Restriction/Election Requirement filed November 11, 2007 has been received. According to the Response, Species S1, corresponds to claims 1-3 have been elected.

It has been noticed by the Examiner that a typo occurred in the last Office Action, wherein claims 13-17 and 35 have been indicated as generic claims. These claims, however, do not exist in the application. Accordingly, in the Restriction Requirement addressed in the last Office action there are no generic claims exist in the application.

Currently, claims 1-8 are pending in the application, wherein claims 4-8 have been withdrawn by the Examiner due to non-elected invention. Claims 1-3 are hereby examined on the merit. Acknowledgment has been made.

Claim Objections

Claim 1 is objected to because of the following informalities:
In claim 1, line 3, the term "a game apparatuses" should be changed to "a game apparatus". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Freeman et al. (6,356,288).

Referring to claim 1, Freeman et al. teaches a communication game system for executing a communication game, the system comprising: a game apparatus that is adapted to establish communication with at least one other game apparatus (Fig. 1); the game apparatus including a display unit; an operation unit; and a processing unit that is adapted to execute processes for displaying on the display unit a self-controlled character that is controlled by an operation of the operation unit (Fig. 2); and receiving information pertaining to another character that is controlled by an operation of the other game apparatus, displaying the other character on the display unit based on the received information (Figs. 3, 4), and changing a display state of the other character when a communication state with the other game apparatus deteriorates (3:5-45).

Referring to claim 2, Freeman et al. teaches the processing unit controls the display state of the other character to be in at least one of a non-display state and an obscure state when the communication state with the other game apparatus deteriorates (3:17-45).

Referring to claim 3, Freeman et al. teaches one game apparatus of the communication game system corresponds to a main apparatus (e.g., server 108) and a remaining one or more game apparatuses of the communication game system correspond to terminal apparatuses (e.g., agent machines, Fig.1); the main apparatus

being adapted to make an inquiry to the one or more terminal apparatuses about character information pertaining to a character that is controlled by the inquired terminal apparatus, set the character information as set information of the character controlled by the inquired terminal apparatus if the character information is received from the inquired terminal apparatus (5:1-6:16), set communication error information as the set information of the character controlled by the inquired terminal apparatus if the character information is not received from the inquired terminal apparatus, and send the set information of the one or more terminal apparatuses to the one or more terminal apparatuses (1:47-2:42; 4:24-67); and the terminal apparatus being adapted to send character information pertaining to a self-controlled character of said terminal apparatus to the main apparatus, receive the set information sent from the main apparatus, and, based on the received set information, change a display state of a character for which the communication error information is set as the set information (1:47-2:42; 2:58-3:45).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

BN

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